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ROBERT D. HOEHN

April 12, 1996

VIA: FEDERAL EXPRESS

Office of the Secretary
Federal Communications Commission
1919 M Street - 2nd Floor
Washington, D.C. 20554

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RE: IB Docket No. 95-59, Preemption of Local
Zoning Regulation of Satellite Earth Stations
FCC 96-78

To whom it may concern:

This firm represents several homeowner's associations in the Denver Metropolitan Area including the Highlands Ranch Community Association, Inc. Highlands Ranch is currently the fastest growing planned community in the United States.

While it is true that many homeowner's associations have restrictive covenants restricting or prohibiting satellite dishes and antennas, a great number of associations are responding to rapidly changing technology by amending their covenants, rules and regulations to allow satellite dishes of the type provided for in the FCC's preliminary rule regarding satellite dishes ("... less than one meter in diameter."). For instance, Highlands Ranch Community Association amended its residential improvement guidelines and site restrictions in February, 1995 in order to accommodate the new and improved technology.

The proposed rule, however, would have an adverse effect on the efforts of associations to accommodate satellite dish owners. It would also inhibit the ability of the association to protect the property rights of its member/owners. We respectfully provide the following comments. As you are aware, many homeowners prefer living in covenant controlled communities. The controls provided by the covenants maintain the property value in the community. Homeowners contract with the community association to provide such controls. An association should have the right to control the appearance and quality of installations

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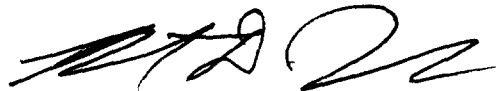
throughout the area governed by the association, as well as the access by all providers of services over the association's common elements. The regulation, as drafted, will make it most difficult for a association to maintain that control.

Many of our clients, including Highlands Ranch Community Association, have a long tradition of not allowing equipment of any kind in front yards or other portions of property, which can be viewed from the curb or neighboring properties, without proper and appropriate screening. Many of the properties in these communities are single family residences as opposed to condominiums and/or townhomes. Certainly, curb appeal and the ability of the homeowner's association to maintain the corresponding value is what attracts most community association owners as they consider means to protect what for most of them is their largest investment, their home. Our clients, such as Highlands Ranch, in order to be able to comply with the FCC regulations, need to receive reasonable accommodations in said regulations. Architectural restrictions should not be preempted if homeowners can receive telecommunications services without violating the architectural restrictions. The freedom of parties to contract is a right that should not be impaired. We respectfully request that in drafting the regulations the FCC take into consideration the desire of millions of homeowners to protect their property values by investing in covenant controlled communities by not preempting necessary architectural restrictions.

Thank you for considering our comments.

Sincerely,

CORPORON HOEHN SVITAVSKY
VAUGHTERS & EYLER LLC



Robert D. Hoehn

RDH:jko

cc: Jerry Winkelman, Architectural Manager
Highlands Ranch Community Association, Inc.

The Honorable Dan Schaefer
The Honorable Hank Brown
The Honorable Ben Nighthorse Campbell